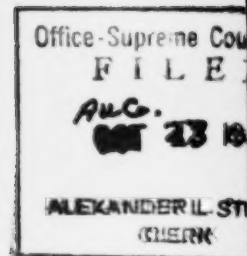


84-609 (1)



No. \_\_\_\_\_

IN THE  
**SUPREME COURT OF THE UNITED STATES**

\_\_\_\_\_  
OCTOBER TERM, 1984

No. \_\_\_\_\_  
\_\_\_\_\_

**BRYANT R. BRITT,**

*Petitioner*

vs.

**UNITED STATES OF AMERICA, et al.,**

*Respondents.*

\_\_\_\_\_  
**PETITION FOR A WRIT OF CERTIORARI TO THE  
UNITED STATES COURT OF APPEALS FOR THE  
NINTH CIRCUIT AND APPENDIX**  
\_\_\_\_\_

**BRYANT R. BRITT  
252 West 65th Street  
Los Angeles, Ca. 90003  
(213) 751-4351  
Attorney for Petitioner,  
In Propria Persona**

21PP



## **QUESTIONS PRESENTED FOR REVIEW**

1. Is it constitutional for the Executive Branch to mandate to the several states the persecution of the petitioner as a prerequisite to receive federal aid, to excommunicate him, assault him, immitate his speech pattern, judge his sanity, and to spray his property with radar and banded radio frequencies to prevent him from using it?

2. Does the unjust termination of a citizen from his position as a tenured, public school teacher, and the issuance of a mandate to prevent him from engaging in his second profession as a photographer violate his First Amendment rights of association?

3. Whether a petitioner's rights of association are violated by the respondents having his telephone conversations recorded without his consent, and making them available to the masses for recorded criticism?

4. Whether to have a petitioner shot with radar and banded radio frequencies over a long period of time for the purpose of electronic surveillance to run his blood pressure up, prevent him from sleeping, burn his brain, damage his eyes, damage his connective tissue to the bones, and cause emotional stress constitute violation of the state law of negligence, and the due process clause of the 14-th Amendment to the U.S. Constitution?

5. Is it constitutional for the County Short Doyle Act which requires that every county select someone to react to be employed in an arbitrary and capricious manner?

## LIST OF PARTIES TO THE PROCEEDINGS

Mr. Ronald Reagan, president, The Executive Branch, The Office of Management and Budget, The Honorable David A. Stockman, The Department of Health and Human Services, The Honorable George P. Shultz, Dorcas Hardy, Edward N. Brandt, Jr., Vincent T.W. Devita, Jr., James B. Wyngaarden, John A. Svah, Robert L. Trachtenberg, George Deukmejian, Governor, Mario Obledo, Al Loeb, Jim Gentry, The City of Los Angeles, Tom Bradley, Mayor, Drayl Gates, Chief, Joel Wachs, Douglas Ford, The County of Los Angeles, Kenneth Hahn, Harry L. Hufford, The Department of Social Services, Ed. Tanaka, Research Committee On Human Subjects, Sol Roschal, Helen G. Brown, Norman F. Sprague, American Telephone and Telegraph Company, Pacific Telephone and Telegraph Company, R.B. Roche, The Second Baptist Church, Thomas Kilgore, Jr., Stan Elizagary, Mary Elizagary, Albert Newsone, Grace Hicks, Anita Johnson, Montoya Jefferson, J. Harris, Calvin Hart, Mattie Hart, Tracy Williams, and Billy Joe Lucky.

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IN THE  
**SUPREME COURT OF THE UNITED STATES**

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OCTOBER TERM, A.D. 1984

No. \_\_\_\_\_

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BRYANT R. BRITT,

*Petitioner*

v.

UNITED STATES OF AMERICA, et al.,

*Respondents.*

---

**PETITION FOR A WRIT OF CERTIORARI TO THE  
UNITED STATES COURT OF APPEALS FOR THE  
NINTH CIRCUIT**

---

Petitioner, Bryant R. Britt, prays that this Honorable Court issue its writ of certiorari to review the judgment of the United States Court of Appeals for the Ninth Circuit entered June 29, 1984 which is in conflict with federal law and the Constitution of the United States.

**OPINION BELOW**

This case was dismissed by the district court on the conclusion of a Magistrate's Report and Recommendation who stated that it would be futile for the petitioner to amend his complaint. The Ninth Circuit has ordered that their decision is not to be used as a point of reference.

## **JURISDICTION**

The jurisdiction of this court is invoked under 28 U.S.C. 1254 (1). Judgment was entered by the Court of Appeals on June 29, 1984.

## **CONSTITUTIONAL PROVISIONS INVOLVED**

Article III of the U.S. Constitution and Amendments I, III, IV, VIII, and XIV. - Encroachment, denial of rights of association, and the due process.

## **STATEMENT OF THE CASE**

Petitioner, a black citizen whose grandfather was alleged to have been an American Indian is the victim of a computerized mass murder plot being funded with public funds as follows:

1. All recipients of government aid in the several states are required to spy on the petitioner, excommunicate him, and assault him for the purpose of inducing stress on him to kill him or destroy his health as a prerequisite to receive federal aid under the state plan for federal reimbursement.

2. Agents of the respondents are required to follow the petitioner over highways, and enter his home with banded radio frequencies to disturb the petitioner for the purpose of driving him berserk.

3. The petitioner has been under electronic surveillance for around the last ten years. His cogitations are being retrieved by radar and computerized to give a print-out as to what he is thinking - (Iran hostage style). Material collected in this manner is distributed to the public to deprive the petitioner of the rights of association.

4. All of the petitioner's telephone and oral conversations are being intercepted and made available for public criticism.

5. Agents of the respondents or those who are sympathetic to the causes of the respondents have been instrumental in the death of five of the petitioner's relatives including his mother and father.



6. The purpose of the harassment against the petitioner is to have the public make a judicial decision against him to determine whether he is crazy.

7. Around December 31, 1981, the petitioner notified the respondents of their negligence, but they have refused to grant the petitioner relief.

8. The district court and the court of appeals have held that the pleader is not entitled for relief because the complaint does not contain a short and plain statement showing that the pleader is entitled to relief.

### REASON FOR GRANTING THE WRIT

On motion to dismiss for failure to state a claim upon which relief can be granted, well pleaded allegations of a complaint must be accepted as true and motion must be denied if under any construction of complaint a cause of action is stated.

*Moore's Federal Practice* Sect. 8.13, page 1653 states that:

"What is a short and plain statement depends, of course on the circumstances of the case. A complaint for conversion, or to recover on a note, can be stated in half a page. An anti-trust action, or an action to enjoin enforcement of unconstitutional statutes, or an interpleaders action, or a stockholder's suite may require more particularity."

In *Pollard v. U.S.*, 384 F. Supp. 304, 151 F. Supp. 487, 69 F.R.D. 646 a similar complaint was filed in the Tuskegee Study and relief was granted.

In *Dugan v. Rank*, 372 U.S. 609, 83 S. Ct. 9999, 10 L. ed. 2d 15 (1956) it was held by the court that unconstitutional governmental actions cannot be shielded through the governments refusal to submit itself to suit.

The decision in *Bolling v. Sharpe*, 74 S. Ct. 693, 347 U.S. 497, 98 L. Ed. 884 has held that the liberty guaranteed and protected by constitutional provisions denotes not only freedom from unauthorized physical restraint, but embraces also the freedom of an individual to use and enjoy his faculties in all lawful ways, acquire useful knowledge, marry, establish a

home, and bring up children, worship god according to his dictates, and live and work where he chooses.

The court held in *Ex Parte Quirin*, 63 S. Ct., 314 U.S. 1, 87 L. Ed. 3 that congress and the president, like the court, possess no power not derived from the constitution.

In *Johnson v. Dye*, C.A. Pa. 175 F.2d 250, 70 S. Ct. 146, 338 U.S. 864, 94 L. Ed. 530; *Home Tel. etc. v. Los Angeles, Cal.*, 33 S. Ct. 312, 227 U.S. 287, 57 L. Ed. 510, it was held that the government and every one of its branches, Departments, agencies, and subdivisions are bound by the prohibitions of the due process guarantees which extend to legislative, judicial, and administrative or executive proceedings.

The Court held in *Mosely v. U.S.*, 588 F.2d 555, 4th Cir. (1976) that the Federal Tort Claims Act provides in Sect. 1346 (b) that in damage actions against the U.S. for personal injury or death caused by negligence or wrongful act or omission, the court is to look to the law of the place where the act or omission occurred.

In *Marbury v. Madison*, 5 U.S. (-Cranch) 137, 154, 2 L. Ed. 60 (1803), the court held that the very essence of civil liberty consists in the right of every individual to claim the protection of the laws whenever he receives an injury. In Great Britain the king is sued in the respectful form of a petition, and never fails to comply with the judgment.

28. U.S.C. Sec. 1331 (a) and 28 U.S.C. Section 1361 (1970) states that the district court shall have original jurisdiction of any action in nature of mandamus to compel an officer or employee of the U.S.A. or any agency thereof to perform a duty owed to the plaintiff.

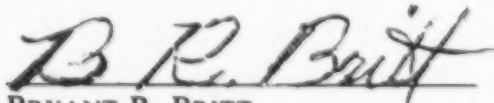
At this moment, petitioner is being shot with radar and banded radio frequencies to prevent petitioner from typing this case. Petitioner has to sleep with a ground wire around him to prevent petitioner from having a heart attack. Petitioner's floor is wet at this moment for the purpose of a ground. Agents and employees of the respondents claim that they are going to increase whatever Petitioner claims them of doing.

### CONCLUSION

The Action against the petitioner is having a dual effect. While it is destroying the petitioner, it is destroying the nation as well. It is producing bedlam in the schools and serving as a mental block to prevent them from learning, driving them to drugs, and turning them into sexual maniacs by destroying their sense of direction. While colleges that base their program on remedial work may prosper from such action, national defense and the nation at large will suffer. It destroys a child to discover that his parents are engaged in murder merely to satisfy their ego; similarly, it destroys the nation to discover that the national government has turned inward and stooped to corruption.

For the foregoing reasons expressed herein, the petitioner respectfully requests the Supreme Court of the United States to issue a writ of certiorari to review and reverse the judgment of the Court of Appeals for the 9th Circuit entered herein on the merits of the case. Experimentation without informed consent constitute negligence. Negligence is the charge which the petitioner has instituted in his complaint. Grant other relief as the petitioner has requested in his complaint.

Respectfully submitted,



BRYANT R. BRITT

Attorney for Respondent

In Propria Persona

252 West 65th Street

Los Angeles, California 90003

(213) 751-4351

This case was received by the clerk of the U.S. Supreme Court on August 21, 1984.

This case was received for the second time by the clerk of the U.S. Supreme Court on September 10, 1984.

**AFFIDAVIT OF SERVICE**

State of California  
County of Los Angeles

The undersigned petitioner declares under the penalty of perjury that on OCTOBER, ELEVEN, 1984, that he mailed copies of the Petition for Writ of Certiorari to each of the following by first class mail:

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Washington, D.C. 20530

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Clerk  
Supreme Court of the  
United States  
Washington, D.C. 02543

(40 Copies)

B R Britt

Bryant R. Britt  
Atty. In Pro. Per.

## APPENDIX

**REPORT AND RECOMMENDATION ON A  
CIVIL RIGHTS COMPLAINT**

**IN THE UNITED STATES DISTRICT COURT  
For the Central District of California**

<b>BRYANT R. BRITT</b>	<b>:</b>	<b>CIVIL ACTION</b>
	<b>:</b>	
<b>v.</b>	<b>:</b>	
	<b>:</b>	
<b>UNITED STATES OF AMERICA,</b>	<b>:</b>	<b>NO. CV 83-3437</b>
<b>et al.</b>		<b>DWW (JR)</b>

**REPORT AND RECOMMENDATION  
JOSEPH REICHMAN  
United States Magistrate**

**JUNE 20, 1983**

This Report and Recommendation is submitted to the Honorable David W. Williams, United States District Judge, pursuant to the provisions of 28 U.S.C. Sec. 636 and General Order 194 of the United States District Court for the Central District of California.

Plaintiff has filed a two million dollar "Civil Rights complaint naming over 40 defendants, including the President of the United States and members of his Cabinet, the Governor of California and the Mayor of Los Angeles, and a variety of official and individuals. Plaintiff alleges that he "is the victim of around forty years of experimentation without informed consent," that a radioactive substance has been placed in his cars, that he has been assaulted "with a deadly weapon to burn his brain", that five of his relatives were murdered "under the U.S. Social Security Law" and that the County and City of Los Angeles "have used their computers" to assault him.

It is apparent that the complaint does not state a claim upon which relief can be granted by this Court. Any attempt to amend the complaint would be futile.

It is **THEREFORE RECOMMENDED** that this Court issue an Order dismissing the action pursuant to Rule 12 (b) (6) of the Federal Rules of Civil Procedure.

**DATED: June 20, 1983.**

---

**JOSEPH REICHMAN**  
**United States Magistrate**



**FINAL REPORT AND RECOMMENDATION**

(Date: July 13, 1983)

**IN THE UNITED STATES DISTRICT COURT**

**For the Central District of California**

**BRYANT R. BRITT**

v.

**UNITED STATES OF AMERICA,  
et al.**

:  
:  
:  
:  
:

**NO. CV 83-3637  
DWW (JR)**

**FINAL REPORT AND RECOMMENDATION**

**JOSEPH REICHMAN**

**United States Magistrate**

**JUNE 20, 1983**

This Final Report and Recommendation and the attached Report and Recommendation are submitted to the Honorable David W. Williams, United States District Judge, pursuant to the provisions of 28 U.S.C. Sec. 636 (b) (1) (B) and General Order 194 of the United States District Court for the Central District of California.

On June 20, 1983, the clerk filed a Notice of mailing of Magistrate's Report and Recommendation and Lodging Proposed Judgment, which was served on the parties, together with copies of the Magistrate's Report and Recommendation.

No objections have been filed.

The Magistrate, having considered the entire record, recommends that the Recommendation be considered final and the proposed judgment be signed.

DATED: July 13, 1983.

---

**JOSEPH REICHMAN**  
**United States Magistrate**

**ORDER ADOPTING FINDINGS, CONCLUSIONS  
AND RECOMMENDATIONS OF UNITED MAGISTRATE  
(Date: July 25, 1983)**

**IN THE UNITED STATES DISTRICT COURT  
For the Central District of California**

**BRYANT R. BRITT**

**v.**

**UNITED STATES OF AMERICA,  
et al.**

:  
:  
:  
:  
:

**: NO. CV 83-3637  
DWW (JR)**

**ORDER ADOPTING FINDINGS, CONCLUSIONS  
AND RECOMMENDATIONS OF UNITED MAGISTRATE  
DAVID W. WILLIAMS  
United States District Judge**

**JULY 25, 1983**

Pursuant to 28 U.S.C. Sect. 636, the Court has reviewed the pleadings and other papers herein, the attached Report and Recommendation of the Magistrate and approves and adopts the Magistrate's findings, conclusions and recommendations.

It is ordered that judgment be entered dismissing this action.

It is **FURTHER ORDERED** that the Clerk shall serve copies of this Order, the Magistrate's Report and Recommendation and the judgment by the United States mail on the plaintiff and defendants.

**DATED: July 25, 1983.**

---

**DAVID W. WILLIAMS  
United States Dist.  
Judge**

**JUDGMENT**  
(Date: July 25, 1983)

**IN THE UNITED STATES DISTRICT COURT**  
**For the Central District of California**

**BRYANT R. BRITT**

v.

**UNITED STATES OF AMERICA,**  
**et al.**

:  
:  
:  
:

: **NO. CV 83-3637**  
**DWW (JR)**

**JUDGMENT**

**DAVID W. WILLIAMS**  
**United States District Judge**

**JULY 25, 1983**

**IT IS ADJUDGED** that the action is dismissed pursuant to Rule 12 (b) (6) of the Federal Rules of Civil Procedure for failure to state a claim upon which relief can be granted.

**DATED: July 25, 1983.**

---

**DAVID W. WILLIAMS**  
**United States Dist.**  
**Judge**

NOTICE OF APPEAL

(Date: August 1, 1983)

IN THE UNITED STATES DISTRICT COURT  
For the Central District of California

BRYANT R. BRITT

v.

UNITED STATES OF AMERICA,  
et al.

:  
:  
:  
:  
:

: NO. CV 83-3637  
DWW (JR)

NOTICE OF APPEAL

BRYANT R. BRITT  
Attorney for Plaintiff,  
In Propria Persona

AUGUST 1, 1983

PLAINTIFF, Bryant R. Britt, hereby appeals the judgment entered in this action on July 28, 1983 to the United States Court of Appeals for the Ninth Circuit, 7th and Mission Street, San Francisco, California.

DATED: August 1, 1983.

---

BRYANT R. BRITT  
Attorney in Pro Per  
252 West 65th St.  
Los Angeles, CA 90003

MEMORANDUM  
(Date: June 29, 1984)

IN THE UNITED STATES DISTRICT COURT  
For the Ninth Circuit

BRYANT R. BRITT	:	
	:	No. 83-6123
v.	:	
	:	
UNITED STATES OF AMERICA,	:	NO. CV 83-3637
et al.	:	DWW (JR)

MEMORANDUM  
Before: BARNES, HUG, and ALARCON,  
Circuit Judges.\* \*\*

Appeal from the United States District Court for the Central District of California.  
David D. Williams, District Judge, Presiding.

Bryant R. Britt appeals the dismissal of his action pursuant to Rule 12(b) (6) of the Federal Rules of Civil Procedure for failure to state a claim upon which can be granted. The complaint was properly dismissed because it failed to satisfy the requirement of Rule 8 (a) (2) of the Federal Rules of Civil Procedure that the pleadings contain a short and plain statement showing that the pleader is entitled to relief. *Agnew v. Moody*, 330 F.2d 868, 870 (9th Cir.), Cert. denied, 379 U.S. 867 (1964).

The request of some of the appellees for attorney's fees and cost pursuant to Rule 38 of the Federal Rules of Appellate Procedure is denied. This court is reluctant to impose penalties against a *pro se* litigant who appears to be action in good faith. *Wood V. McEwen*, 644 F2d 797, 802 (9th Cir. 1981) Cert denied. 455 U.S. 942 (1982)

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\* The panel has concluded that the issues presented by this appeal do not meet the standards set by rule 21 of the Rules of this Court for disposition by written opinion. Accordingly, it is ordered that disposition be by memorandum, foregoing publication in the Federal Reporter, and that this memorandum may not be cited to or by the courts of this circuit save as provided by Rule 21 (c).

\*\* The panel finds this case appropriate for submission without oral argument pursuant to Fed. R. 34 (a) and 9th Cir. R.

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SEP 14 1984

ALEXANDER L. STEVAS,  
CLERK

(2)  
No. 84-609

# In the Supreme Court

OF THE

United States

OCTOBER TERM, 1984

BRYANT R. BRITT,  
*Petitioner,*

VS.

UNITED STATES OF AMERICA, *et al.,*  
*Respondents.*

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## RESPONDENTS' OPPOSITION TO PETITION FOR WRIT OF CERTIORARI

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HORVITZ & LEVY

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No. 84-609

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# In the Supreme Court

OF THE

United States

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OCTOBER TERM, 1984

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BRYANT R. BRITT,  
*Petitioner,*

vs.

UNITED STATES OF AMERICA, *et al.*,  
*Respondents.*

---

## **RESPONDENTS' OPPOSITION TO PETITION FOR WRIT OF CERTIORARI**

---

This incomprehensible and frivolous action for damages allegedly resulting from, *inter alia*, the "burning of plaintiff's brain" with "metal detectors" and "leiser [sic] camaras [sic]," filed against the President of the United States, the Secretary of State, the County of Los Angeles, and many, many others, was properly dismissed with prejudice by the district court after Petitioner turned down the opportunity offered him to amend. As we explain below, both the trial judge's dismissal of the complaint, and the Ninth Circuit's affirmance of that dismissal, were proper, and hence petitioner's Writ of Certiorari should be denied.

### **QUESTION PRESENTED FOR REVIEW**

Did the incomprehensibility of the allegations in Appellant's complaint warrant the complaint's dismissal under Federal Rules of Civil Procedure 8?

### STATEMENT OF THE CASE

On June 6, 1983, Petitioner Bryant R. Britt filed his complaint in this matter. Named in the complaint were forty-six defendants, including President Ronald Reagan, Secretary of State George Schultz, Director of the Office of Management and Budget David Stockman, The County of Los Angeles, Pastor Thomas Kilgore of the Second Baptist Church in Los Angeles, and Billy Joe Lucky (Mr. Britt's neighbor.) (TCCR 1, p. 1, lines 11-24.)<sup>1</sup> Britt alleges that the defendants conspired to deprive him of his constitutional and statutory rights. He alleges, *inter alia*, that:

"as a prerequisite for foreign aid, all allied nations are required to submit a plan to engage the plaintiff in arbitrary and capricious acts; and they are required to listen to the conversations which the plaintiff makes form [sic] this country for the purpose of inciting them to contempt for the plaintiff who is a native American. The program is being carried through computerized action, and a print out feed back of the plaintiff's life is as close to the public as the telephone to deny the freedom of speech to plaintiff. [TCCR 1, p. 11, lines 1-8.]

. . .

"from around 1968 to 1978, about five of the plaintiff's relatives were murdered [sic] in other states under the U.S. Social Security Law. [TCCR 1, p. 11, lines 9-11.]

. . .

"as a prerequisite for block grants for the several states, the executive branch has made it mandatory that all states gear their programs to involve the plaintiff

---

<sup>1</sup>"TCCR" is an abbreviation of "trial court clerk's record." The number which immediately follows the abbreviation is the docket control number assigned by the clerk.

in arbitrary and capricious [sic] acts before their programs will be approved. [TCCR 1, p. 10, lines 5-8.]

. . .

"a radio active substance has been placed in plaintiff's 1976 Datsun, and his 1978 Mercedes to prevent their use and cause death. [TCCR 1, p. 10, lines 1-2.]

. . .

"some radio active substance has been placed in the plaintive [sic] garage, and his homes and farms in the State of Alabama." [TCCR 1, p. 10, lines 3-4.]

Petitioner alleged federal subject matter jurisdiction over these claims under 28 U.S.C. § 1331, 28 U.S.C. § 1343(3)-(4), 28 U.S.C. § 1346(b), and the doctrine of "pendant and ancillary" jurisdiction. (TCCR 1, p. 3, lines 12-17.)

Faced with these frivolous and unintelligible claims, Defendants and Respondents The County of Los Angeles, The Department of Social Services, Harry L. Hufford, Kenneth Hahn, and Sol Roshal, Ph.D. filed a Motion to Dismiss Plaintiff's Complaint for Lack of Jurisdiction and Failure to State a Claim upon which Relief can be Granted. (TCCR 11.) An identical motion on behalf of Defendant and Respondent Ed Tanaka was filed soon thereafter. (TCCR 13.) In response, Britt merely expanded upon the allegations in the complaint, stating, *inter alia*, that:

"The plaintiff's home is bugged with radio active elements and all of the plaintiff's friends [sic] home are bugged to either with the telephone acting as a C.B. or with focus radar to load the plaintiff up with radar to make his ears squeek and his heart beat fast. [TCCR 21, p. 2, lines 6-10.]

. . .

"That around July 5, 1983, the defendants, agents of the defents [sic] or those who are sympathetic to the causes

of the defendants kept leiser [sic] camaras [sic] which are detrimental to the brain focused on plaintiff so long until he became immobilized to the extent that he could not walk for a period of one half day. [TCCR 21, p. 2, lines 11-16.]

. . .

"The plaintiff has not been able to live in his home for about three months at night because of those welfare people who are employed to use metal detectors and other high voltage equipment to burn his brain. [TCCR 21, p. 2, lines 17-20.]

. . .

"The defendants of the state of California are directing other states through computer action to assault the plaintiff and discriminate against him. [TCCR 21, p. 2, lines 21-23.]

. . .

"The action against the plaintiff can be found in the county and state plan. [TCCR 21, p. 2, lines 24-25.]

. . .

"That around the middle of April, 1983, the plaintiff took a trip to Australia and New Zealand and while he was there, American citizens would move into the adjoining rooms with heavy radiation equipment during the night to shine through the wall on the plaintiff. The plaintiff had to leave his room and walk the streets or catch a train most of the three weeks that he was there. [TCCR 21, p. 2, lines 26-28 — p. 3, lines 1-4.]

. . .

"The news media and radio are being employed to mark the speech pattern of the plaintiff by using material which was retrieved by electronic surveillance and eve [sic] dropping." [TCCR 21, p. 3, lines 5-7.]

On July 25, 1983, a hearing on the Defendants' motions was held before the Honorable David W. Williams. (TCCR 27.) After oral arguments, the district court concluded that Britt's complaint was defective, and offered him an opportunity to amend. (TCCR 27.) Britt refused. (TCCR 27.) Accordingly, the court ordered dismissal with prejudice on the grounds of the complaint's failure to state a claim upon which relief could be granted. (TCCR 24.) Britt filed a timely notice of appeal. (TCCR 25.) The Ninth Circuit, in a memorandum opinion, affirmed dismissal of the complaint "because it failed to satisfy the requirement of Rule 8(a)(2) of the Federal Rules of Civil Procedure that the pleading contain a short and plain statement showing that the pleader is entitled to relief."

#### **REASONS FOR DENYING THE WRIT**

##### **Appellant's Complaint Was Properly Dismissed With Prejudice Under Federal Rule of Civil Procedure 8 Because The Claims Contained Therein Were Incomprehensible.**

Federal Rule of Civil Procedure 8(a) requires that complaints contain "a short and plain statement of the claim showing that the pleader is entitled to relief." It is settled law that *pro se* complaints are subject to dismissal with prejudice under Rule 8 if they are "so verbose, confused and redundant that . . . [their] true substance, if any, is well disguised." (*Corcoran v. Yorty* (9th Cir. 1965) 347 F.2d 222, 223; *Accord Nevijel v. North Coast Ins. Co.* (9th Cir. 1981) 651 F.2d 671, 674; *Prezzi v. Shelter* (2d Cir. 1972) 469 F.2d 691, 692 [pro se complaints which contain "a labyrinth prolixity of unrelated and vituperative charges that def[y] comprehension" are subject to dismissal with prejudice under Rule 8].)

In *Corcoran v. Yorty*, *supra*, the plaintiff, acting in *propria persona*, filed a "verbose, confused and redundant"



complaint for damages against numerous government officials alleging fraud and civil rights violations. The basis of the complaint was plaintiff's "objection to his being denied [a] steam engineer's license" (347 F.2d at 223), although, as the court noted, the plaintiff admitted "that the license had been given to him and that he now possesses same." (*Id.*) Finding the complaint hopelessly confused, the court affirmed dismissal under Rule 8. (*Id.*)

Britt's complaint was also ripe for dismissal under Rule 8. It is incredibly verbose. Forty-six defendants were named in the twenty-nine page complaint. (TCCR 1, pp. 3-7.) The complaint alleges violations of such diverse laws of the "Federal Communications Code" (TCCR 1, p. 3, lines 6-7) and "the Penal Codes of California" (TCCR 1, p. 3, lines 3-4.) It is redundant. There are, for example, numerous repeating assertions that defendants "assaulted [plaintiff] with deadly weapon for the purpose of committing murder on him." (See, e.g. TCCR 1, p. 10, lines 23-24; p. 10, lines 21-22; p. 9, lines 19-20; p. 9, line 17.) Finally, and above all, the complaint is confused. For example, how is it possible to commit "murder" with the Social Security Laws? (TCCR 1, p. 11, lines 9-11.) What does Britt mean when he states that "a print out feed back of . . . [his] life is as close to the public as the telephone to deny . . . [his] freedom of speech." (TCCR 1, p. 11, lines 1-8.)

If dismissal was warranted in *Corcoran*, it was certainly warranted here. Appellant Britt's contentions about "brain burning" and "leiser [sic] camaras [sic]" are surely more confused than those of the *Corcoran* plaintiff. At least the *Corcoran* plaintiff's contentions had some connection with reality.

In all, there was obviously no abuse of discretion in dismissing Britt's complaint. (See *Wood v. Santa Barbara Chamber of Commerce* (9th Cir. 1983) 699 F.2d 484, 485



["Under the circumstances of this case, the district court committed no such abuse of discretion. Wood's first complaint involved so many defendants and alleged, in vague and conclusory language, so many wrongs, that it was impossible to comprehend the allegations against any particular defendant"].)

### CONCLUSION

For the reasons above stated, the Petition for Writ of Certiorari of Bryant R. Britt should be denied.

Respectfully submitted,

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